## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT GREENEVILLE

TIMOTHY HOPSON, SR.,	
	) Case No. 2:23-cv-105
Plaintiff,	)
	Judge Travis R. McDonough
v.	)
	) Magistrate Judge Cynthia R. Wyrick
GPM INVESTMENTS, LLC,	)
	)
Defendant.	)
	)
	)

## MEMORANDUM AND ORDER

Before the Court is Magistrate Judge Cynthia R. Wyrick's report and recommendation (Doc. 5), which recommends that the Court dismiss Plaintiff Timothy Hopson, Sr.'s amended complaint without prejudice.

Plaintiff filed the original complaint (Doc. 1) in this action on August 23, 2023, and contemporaneously filed a motion for leave to proceed *in forma pauperis* (Doc. 2). Under the Prison Litigation Reform Act, district courts must screen pro se complaints—even when the plaintiff is not a prisoner but seeks *in forma pauperis* status—and *sua sponte* dismiss any claims that are frivolous or malicious, fail to state a claim on which relief may be granted, or name a defendant who is immune. *See* 28 U.S.C. § 1915(e)(2); *Baker v. Wayne Cnty. Fam. Indep. Agency*, 75 F. App'x 501, 502 (6th Cir. 2003) ("The statute requires courts to dismiss in forma pauperis complaints that fail to state a claim[] and applies to complaints filed by non-prisoners as well as prisoners." (citations omitted)). Therefore, Magistrate Judge Wyrick screened Plaintiff's complaint in addition to considering his motion to proceed *in forma pauperis*.

On screening, Magistrate Judge Wyrick found that Plaintiff had not alleged sufficient facts to invoke this Court's subject-matter jurisdiction. (Doc. 5, at 5.) Specifically, Plaintiff did not allege facts from which the Court could determine Defendant's citizenship for purposes of diversity jurisdiction. (Id.) Magistrate Judge Wyrick noted that this is Plaintiff's second suit against Defendant, the first of which was also dismissed for failure to adequately allege facts which would support diversity jurisdiction. (Id. at 4.) Plaintiff has filed no objections to Magistrate Judge Wyrick's report and recommendation and the time to do so has now passed.

After reviewing the record, the Court agrees with Magistrate Judge Wyrick's report and recommendation. The Court hereby ACCEPTS and ADOPTS Magistrate Judge Wyrick's report and recommendation (Doc. 5). This action SHALL be DISMISSED WITHOUT PREJUDICE.

AN APPROPRIATE JUDGMENT WILL ENTER.

/s/ Travis R. McDonough

TRAVIS R. MCDONOUGH UNITED STATES DISTRICT JUDGE